

Express Mail Mailing Label No.: EV 596441734 US

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		Atty. Docket No. A0008/7016 U.S. APPLICATION NO. (If known. See 37 CFR 1.5) <b>10/541875</b>
INTERNATIONAL APPLICATION NO. PCT/EP2004/000248	INTERNATIONAL FILING DATE 15 January 2004 (15.01.2004)	PRIORITY DATE CLAIMED 15 January 2003 (15.01.2003) 24 November 2003 (24.11.2003)
TITLE OF INVENTION TRANS-LUMINAL SURGICAL DEVICE		
APPLICANT(S) FOR DO/EO/US Jürgen Dorn, Martin Wuebbeling and Beate Walter		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(C)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 To 20 below concern document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</li> <li>18. <input type="checkbox"/> A copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translated of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information:</li> </ol>		
<i>(list all other items here)</i>		

**10/541875**

21. The following fees are submitted:				<b>CALCULATIONS</b>		<b>PTO USE ONLY</b>	
<input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee ..... \$200.00 <input checked="" type="checkbox"/> c) Search fee ..... \$500.00 <input type="checkbox"/> d) Size fee (for each additional 50 sheets over 100 sheets) ..... \$250.00							
<b>ENTER APPROPRIATE FEE AMOUNT =</b>				<b>\$ 1,000.00</b>			
Surcharge of \$130.00 for furnishing the oath or declaration of later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$</b>			
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>				
Total claims	43 - 20 =	23	X \$50.00	<b>\$ 1,150.00</b>			
Independent claims	1 - 3 =	0	X \$200.00	<b>\$ 0.00</b>			
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	<b>\$</b>			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 2,150.00</b>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<b>\$</b>			
<b>SUBTOTAL =</b>				<b>\$ 2,150.00</b>			
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				<b>\$</b>			
				<b>+</b>			
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 2,150.00</b>			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				<b>\$</b>			
				<b>+</b>			
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 2,150.00</b>			
				<b>Amount to be:</b>			
				<b>refunded</b>		<b>\$</b>	
				<b>charged</b>		<b>\$</b>	

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-1721 in the amount of \$2,150.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-1721.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Patent Administrator  
 Kirkpatrick & Lockhart Nicholson  
 Graham LLP  
 75 State Street  
 Boston, MA 02109-1808

  
 SIGNATURE

Arthur Z. Bookstein  
 NAME

22,958  
 REGISTRATION NUMBER

07/08/2005  
 DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **10/541875**

APPLICANT: Jürgen Dorn, Martin Wuebbeling and Beate Walter  
SERIAL NO.: Not Yet Known  
FILED: Herewith  
INT'L. APPLN. NO.: PCT/EP2004/000248  
INT'L. APPLN. DATE: 15 January 2004 (15.01.2004)  
PRIORITY DATE: 15 January 2003 (15.01.2003)  
24 November 2003 (24.11.2003)  
FOR: TRANS-LUMINAL SURGICAL DEVICE

Express Mail mailing label number: EV 596441734 USDate of Deposit July 8, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Debra M. Doherty

(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

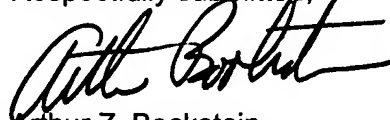
Transmitted herewith for filing is/are the following document(s):

- ☒ Transmittal letter to the United States Designated/ Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. 371
- ☒ Preliminary Amendment
- ☒ Copy of WO 2004/062458

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617) 261-3100, Boston, Massachusetts.

Please charge the filing fee of \$2,150 to the account of the undersigned, Deposit Account No. 50-1721. If the fee is insufficient, the balance may be charged Deposit Account No. 50-1721 or credit any overpayment of Deposit Account No. 50-1721. A duplicate of this sheet is enclosed.

Respectfully submitted,



Arthur Z. Bookstein  
Reg. No.: 22,958  
KIRKPATRICK & LOCKHART  
NICHOLSON GRAHAM LLP  
75 State Street  
Boston, Massachusetts 02109-1808  
Customer No.: 022832  
Tel.: (617) 261-3100

DATE: JULY 8, 2005